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*Attorneys for Defendant KD Creatives, Inc. d/b/a
Big Little Feelings*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JENNIFER CARRUTH, individually and on behalf of all others similarly situated,

Plaintiff,

V.

KD CREATIVES, INC. D/B/A BIG LITTLE FEELINGS

Defendant

Case No. 2:24-cv-02484-DAD-SCR

EVIDENTIARY OBJECTIONS TO THE
DECLARATION FILED IN SUPPORT OF
MEMORANDUM OF LAW IN
OPPOSITION TO DEFENDANT'S
MOTION TO COMPEL ARBITRATION

[FILED CONCURRENTLY WITH (1)
REPLY IN SUPPORT OF MOTION TO
COMPEL ARBITRATION AND (2)
DECLARATION OF STARR DRUM]

Date: February 3, 2025
Time: 1:30 p.m.
Before: Hon. Dale A. Drozd

Defendant KD Creatives, Inc. d/b/a Big Little Feelings (“BLF”) hereby objects to the following portions of the Declaration of Frank S. Hedin:

1 BLF generally objects to the Declaration of Mr. Hedin pursuant to Fed. R. Evid. 401 and
 2 1002. Mr. Hedin is counsel for Plaintiffs. He is not a class member. Moreover, his observations
 3 of BLF's website on a mobile device in 2025 are irrelevant and have no bearing on what *Plaintiff*,
 4 the actual putative class representative, saw during *the actual class period* on the BLF website upon
 5 checkout. Mr. Hedin's observations are also inconsistent with what appears on mobile devices
 6 generally, so he may have (perhaps inadvertently) altered his screen before making these
 7 observations. More specifically, BLF objects to his declaration as follows:

Material Objected to:	Ground(s) for Objection:	Ruling on Objection:
2. Attached hereto as Exhibit 1 is a true and correct copy of a screenshot, taken by me on a mobile device, of the main page for Defendant's website as it appeared when I accessed it on the mobile device.	Irrelevant (<i>Fed. Rule Evid. 401</i>) Best Evidence Rule (<i>Fed. Rule Evid. 1002</i>)	Sustained: _____ Overruled: _____
3. Attached hereto as Exhibit 2 is a true and correct copy of a screenshot, taken by me on a mobile device, of the checkout screen that loaded when I added an item to my shopping cart on Defendant's website using the mobile device. As shown in the screenshot, nothing below the "Checkout" button is displayed on the screen of the mobile device when the checkout screen loaded.	Irrelevant (<i>Fed. Rule Evid. 401</i>) Best Evidence Rule (<i>Fed. Rule Evid. 1002</i>)	Sustained: _____ Overruled: _____

Material Objected to:	Ground(s) for Objection:	Ruling on Objection:
<p>4. In order for any content below the “Checkout” button on this checkout screen to become visible on the mobile device, I was required to scroll down on this screen past the button, as shown in a screenshot of the checkout screen taken by me after I scrolled down on the screen past the button, a true and correct copy of which is attached as Exhibit 3.</p>	<p>Irrelevant (<i>Fed. Rule Evid. 401</i>) Best Evidence Rule (<i>Fed. Rule Evid. 1002</i>)</p>	<p>Sustained: _____ Overruled: _____</p>

Dated: January 17, 2025

POLSINELLI LLP

By /s/ Starr Drum
 Noel Cohen
 Starr Drum
 Shundra Manning (*pro hac vice*
 forthcoming)

*Attorneys for Defendant KD Creatives, Inc.
 d/b/a Big Little Feelings*